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BEFORE THE ARIZONA CORPORATION COMMISSION

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Arizona Corporation Commission

2017 APR 18 P 3: 06

TOM FORESE – Chairman  
BOB BURNS  
DOUG LITTLE  
ANDY TOBIN  
BOYD W. DUNN

DOCKETED

APR 18 2017

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IN THE MATTER OF THE APPLICATION OF  
ARIZONA PUBLIC SERVICE COMPANY FOR A  
HEARING TO DETERMINE THE FAIR VALUE OF  
THE UTILITY PROPERTY OF THE COMPANY  
FOR RATEMAKING PURPOSES, TO FIX A JUST  
AND REASONABLE RATE OF RETURN  
THEREON, TO APPROVE RATE SCHEDULES  
DESIGNED TO DEVELOP SUCH RETURN.

DOCKET NO. E-01345A-16-0036

IN THE MATTER OF FUEL AND PURCHASED  
POWER PROCUREMENT AUDITS FOR ARIZONA  
PUBLIC SERVICE COMPANY.

DOCKET NO. E-01345A-16-0123

PROCEDURAL ORDER

**BY THE COMMISSION:**

On June 1, 2016, Arizona Public Service Company (“APS” or “Company”) filed with the Arizona Corporation Commission (“Commission”) the above-captioned Rate Case Application, which was consolidated with Docket No. E-01345A-16-0123 on August 1, 2016.

Parties to this docket are APS, the Commission’s Utilities Division (“Staff”), Richard Gayer; Patricia Ferré; Warren Woodward; IO Data Centers, LLC (“IO”); Freeport Minerals Corporation (“Freeport”); Arizonans for Electric Choice and Competition (“AECC”); Sun City Home Owners Association (“Sun City HOA”); Western Resource Advocates (“WRA”); Arizona Investment Council (“AIC”); Arizona Utility Ratepayer Alliance (“AURA”); Property Owners and Residents Association of Sun City West (“PORA”); Arizona Solar Energy Industries Association (“AriSEIA”); Arizona School Boards Association (“ASBA”) and Arizona Association of School Business Officials (“AASBO”) (collectively “ASBA/AASBO”); Cynthia Zwick; Arizona Community Action Association (“ACAA”); Southwest Energy Efficiency Project (“SWEEP”); the Residential Utility Consumer Office (“RUCO”); Vote Solar; Electrical District Number Eight and McMullen Valley Water Conservation & Drainage District (collectively, “ED8/McMullen”); The Kroger Co. (“Kroger”); Tucson Electric Power

1 Company ("TEP"); Pima County; Solar Energy Industries Association ("SEIA"); the Energy Freedom  
 2 Coalition of America ("EFCA"); Wal-Mart Stores, Inc. and Sam's West, Inc. (collectively,  
 3 "Walmart"); Local Unions 387 and 769 of the International Brotherhood of Electrical Workers, AFL-  
 4 CIO (collectively, "the IBEW Locals"); Calpine Energy Solutions LLC ("Calpine Solutions")(formerly  
 5 Noble Energy Solutions, LLC); the Arizona Competitive Power Alliance ("the Alliance"); Electrical  
 6 District Number Six, Pinal County, Arizona ("ED 6"), Electrical District Number Seven of the County  
 7 of Maricopa, State of Arizona ("ED7"), Aguila Irrigation District ("AID"), Tonopah Irrigation District  
 8 ("TID"), Harquahala Valley Power District ("HVPD"), and Maricopa County Municipal Water  
 9 Conservation District Number One ("MWD") (collectively, "Districts"); the Federal Executive  
 10 Agencies ("FEA"); Constellation New Energy, Inc. ("CNE"); Direct Energy, Inc. ("Direct Energy");  
 11 AARP; the City of Sedona ("Sedona"); Arizona Solar Deployment Alliance ("ASDA"); the City of  
 12 Coolidge ("Coolidge"); REP America d/b/a ConservAmerica ("ConservAmerica"); and Granite Creek  
 13 Power & Gas and Granite Creek Farms LLC (collectively, "Granite Creek").

14 On April 14, 2017, a Procedural Order was issued regarding a Stipulated Motion jointly filed  
 15 in this docket by Staff, RUCO, APS, and the "Solar Parties" (ASDA, AriSEIA, SEIA, Vote Solar, and  
 16 EFCA), ("Moving Parties"). The Moving Parties stipulated to the entry of a Protective Order in this  
 17 docket to govern the treatment of the Joint Solar Cooperation Agreement ("JSCA")<sup>1</sup> as requested by  
 18 APS, the Solar Parties, and other entities who are not intervenors in this docket.

19 On April 13, 2017, Vote Solar filed a Motion to Participate Telephonically in Prehearing  
 20 Conference or, in the Alternative, to be Excused from Attendance ("Vote Solar Motion")

21 On April 17, 2017, Mary R. O'Grady filed a Motion to Associate Counsel *Pro Hac Vice* to  
 22 associate Matthew E. Price as counsel for APS and Pinnacle West Capital Corporation ("PWCC") in  
 23 this matter pursuant to Arizona Supreme Court Rule 39(c)(1)(A), to which was attached a certification  
 24 of service indicating that the Motion was served on all parties.

## 25 Procedural Schedule

26 The evidentiary hearing in this matter is scheduled to commence on April 24, 2017, at 10:00  
 27

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28 <sup>1</sup> The JSCA is an agreement between APS, the Solar Parties, and certain other entities who are not intervenors in this case.

1 a.m. at the Commission's Phoenix offices. A pre-hearing conference is set for April 20, 2017 at 2:00  
2 p.m. Public comment hearings have been held in Douglas, Clarkdale, Flagstaff, and Yuma, Arizona,  
3 and at the Commission's Phoenix offices.

4 On March 27, 2017, a Settlement Agreement was filed, signed by APS, Freeport, AECC,  
5 RUCO, Sun City HOA, WRA, Vote Solar, ASBA, AASBO, AIC, AURA, PORA, AriSEIA, ACAA,  
6 Kroger, SEIA, Calpine Solutions, CNE, Direct Energy, EFCA, the Alliance, Walmart, the IBEW  
7 Locals, FEA, Sedona, ASDA, Granite Creek, Coolidge, ConservAmerica, and Staff.

8 Parties have filed Direct Testimony on the Rate Case Application, and in regard to the  
9 Settlement Agreement. Rebuttal Testimony was filed on April 17, 2017.

10 Vote Solar Motion

11 No objections were filed to Vote Solar's Motion.

12 Request to Participate *Pro Hac Vice*

13 The Motion filed by Mary R. O'Grady requesting authority to associate Matthew E. Price *pro*  
14 *hac vice* as counsel for APS and PWCC in this matter lists Ms. O'Grady as the designated member of  
15 the Arizona State Bar with whom communication may be made, and upon whom papers should be  
16 served. Attached to the filing is a copy of the verified Application for Appearance *Pro Hac Vice* filed  
17 with the State Bar of Arizona for Mr. Price; copies of the certificates of good standing from the  
18 jurisdictions in which he has been admitted to practice law; and a copy of the Notice of Receipt of  
19 Complete Application from the State Bar of Arizona.

20 In the discretion of the Commission, Mr. Price should be permitted to appear and participate  
21 *pro hac vice* in this matter on behalf of APS.

22 IT IS THEREFORE ORDERED that counsel for Vote Solar shall be permitted to appear  
23 telephonically, or in the alternative, are hereby excused from appearing, at the prehearing conference.

24 IT IS FURTHER ORDERED that Matthew E. Price is admitted *pro hac vice* in the above-  
25 captioned matter.

26 ...

27 ...

28 ...

1 IT IS FURTHER ORDERED that Mr. Price's address for service of papers and other  
2 communication is:

3 Matthew E. Price  
4 JENNER & BLOCK  
5 1099 New York Avenue, NW Suite 900  
6 Washington, DC 20001-4412

7 IT IS FURTHER ORDERED that the address for service of papers and other communication  
8 for the Arizona-licensed attorney designated as local counsel for Ms. Mary R. O'Grady is:

9 Mary R. O'Grady  
10 OSBORN MALEDON, P.A.  
11 2929 North Central Avenue, 21<sup>st</sup> Floor  
12 Phoenix, AZ 85012

13 IT IS FURTHER ORDERED that each party or prospective party shall **refer to the Rate Case**  
14 **Procedural Order** issued in this matter on **July 22, 2016**, for additional information regarding the  
15 process to consent to service by email. Information regarding Consent to Email Service is also  
16 available on the Commission's website ([www.azcc.gov](http://www.azcc.gov)) by clicking on "Email Service Consent."

17 IT IS FURTHER ORDERED that withdrawal of representation must be made in compliance  
18 with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Arizona  
19 Supreme Court Rule 42). Representation before the Commission includes appearances at all hearings  
20 and procedural conferences, as well as all Open Meetings for which the matter is scheduled for  
21 discussion, unless counsel has previously been granted permission to withdraw by the Administrative  
22 Law Judge or the Commission.

23 IT IS FURTHER ORDERED that all parties must comply with Arizona Supreme Court Rules  
24 31, 38, 39, and 42 and A.R.S. § 40-243 with respect to the practice of law and admission *pro hac vice*.

25 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113 - Unauthorized  
26 Communications) applies to this proceeding and shall remain in effect until the Commission's Decision  
27 in this matter is final and non-appealable.

28 IT IS FURTHER ORDERED that the time periods specified herein shall not be extended  
pursuant to Rule 6(a)(2) or (c) of the Rules of Civil Procedure.

1 IT IS FURTHER ORDERED that the Administrative Law Judge may rescind, alter, amend, or  
2 waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at  
3 hearing.

4 DATED this 18<sup>th</sup> day of April, 2017.

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6   
7 TEENA JIBILIAN  
8 ASSISTANT CHIEF ADMINISTRATIVE LAW JUDGE  
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On this 18<sup>th</sup> day of April, 2017, the foregoing document was filed with Docket Control as a Procedural Order – Admits an Attorney Pro Hac Vice, and copies of the foregoing were mailed on behalf of the Hearing Division to the following who have not consented to email service. On this date or as soon as possible thereafter, the Commission's eDocket program will automatically email a link to the foregoing to the following who have consented to email service.

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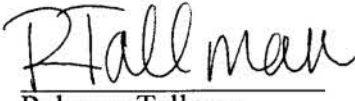
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